

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING SUB COMMITTEE – 26 NOVEMBER 2013

Title of report	APPLICATION FOR THE REVIEW OF A PREMISES LICENCE
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Enforcement Officer 01530 454528 clare.storer@nwleicestershire.gov.uk</p>
Purpose of report	To determine an application for a review of a premises licence in respect of premises trading as The Engine located at 61 Belvoir Road, Coalville, Leicestershire, LE67 3PD. This report outlines the application and also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority's Licensing Policy.
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.
Link to relevant CAT	Business CAT.
Risk Management	The usual risks of cost involved of an appeal against the decision of the Committee. In any event and in order to mitigate these risks, the Committee should give clear reasons for its decisions and any such reasons would need to be substantiated in Court.
Equalities Impact Assessment	Equality Impact Assessment already undertaken, issues identified actioned.
Human Rights	Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.
Transformational Government	Not applicable.
Consultees	Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Licensing Authority, Planning, Health Authority and members of the public/local businesses by way

	of notice at the premises, on the Council's website and at the Council Offices, Coalville.
Background papers	<p>Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at:</p> <p>https://www.gov.uk/government/publications/licensing-act-2003-amended-guidance-issued-under-section-182</p> <p>and Statement of Licensing Policy - available for reference at:</p> <p>http://www.nwleics.gov.uk/pages/licensing_act_2003_statement_of_licensing_policy</p>
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. BACKGROUND

- 1.1 The premises are a public house located at 61 Belvoir Road, Coalville, Leicestershire, LE67 3PD and currently hold a premises licence issued under the Licensing Act 2003. A copy of the premises licence is attached as **appendix 1**.
- 1.2 A map showing the location of the premises is attached as **appendix 2**.
- 1.3 On 14 October 2013, an application for a review of the premises licence was received from Inspector Nigel Rixon, Leicestershire Police. The review application relates to the prevention of crime and disorder, public safety and the prevention of public nuisance. Full details of the review application are attached at **appendix 3**.

2.0 REVIEW - APPLICATION PROCESS

- 2.1 The legislation surrounding the processing of an application for a premises licence Review is quite clear and has been reiterated by two recent Magistrates Court cases.
- 2.2 The applicant is responsible for serving the application on all Responsible Authorities and the Licence holder. They should also supply the Licensing Authority with a hard copy of the Review application. The Licensing Authority can confirm that the applicant has served the application on the Fire Authorities, Trading Standards Department, Health Authority, and the District Council's Health and Safety, Environmental Protection, Planning and Licensing Sections. It has also been served on the licence holders, Ranjodh Garcha and Manjinder Garcha.
- 2.3 The Licensing Authority is responsible for advertising the review application by displaying prominently a notice at, on or near the premises to which the application relates. It also is required to advertise the application on the Council's website and at the main offices of the Licensing Authority for not less than 28 consecutive days. The required notices were displayed at the premises, on the Council's website and in the reception area of the Council Offices, Coalville on 15 October 2013. The notice at the premises has been checked on more than one occasion and found to be in order.

3.0 REPRESENTATIONS

- 3.1 A representation has been received from Simon Parrot of Sharman Law LLP who is acting on behalf of the premises licence holders Mr and Mrs Garcha. A copy of this representation is attached as **appendix 4**.
- 3.2 A representation has been received from Andy Grimsey of Poppleston Allen Solicitors who is acting for Sarah Booth the designated premises supervisor of The Engine, 61 Belvoir Road, Coalville, Leicestershire. A copy of this representation is attached as **appendix 5**.
- 3.3 Other persons who have an interest in the premises are able to make representations within 28 days of the application to the Licensing Authority.
- 3.4 There have been 2 representations received from other persons. Copies of the representations are attached as **appendix 6 and 7**.

4.0 STATUTORY GUIDANCE

- 4.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs 1.1 to 1.5, 1.16, 1.17, 2.1 to 2.7, 2.8 to 2.10, 2.18 to 2.24, 8.6 to 8.11, 8.12, 8.13, 9.11, 9.12, 11.1 to 11.29 may have a bearing upon the application.

5.0 STATEMENT OF LICENSING POLICY

- 5.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.3, 2.4, 7.1 to 7.2, 8.1 to 8.4, 9.1 to 9.3, and 11.1 to 11.3 may have a bearing upon the application.

6.0 OBSERVATIONS

- 6.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 6.2 The Committee may take such of the following steps, if any, as it considers appropriate for the promotion of the licensing objectives:
- a) Modify the conditions of the licence;
 - b) Exclude a licensable activity from the scope of the licence;
 - c) Remove the designated premises supervisor;
 - d) Suspend the licence for a period not exceeding three months;
 - e) Revoke the licence.

- 6.3 Any determination made by the Sub-Committee shall not come into effect until the end of the period given for appealing against the decision or if the decision is appealed against, until the appeal is disposed of.
- 6.4 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and the premises licence holder.